

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Wirop Industrial Company Limited v. Baydar & Associates Incorporated, 2007 NSSC 332

Date: 20071121

Docket: SH 276040

Registry: Halifax

Between:

Wirop Industrial Company Limited and
Foard Yon Trading Company Limited

Plaintiffs

v.

Baydar & Associates Incorporated

Defendant

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Judge: The Honourable Justice Suzanne M. Hood

Heard: August 16, 2007 in Chambers, Halifax, Nova Scotia

Written Decision: November 21, 2007

Subject: Summary judgment; equitable set-off.

Summary: One plaintiff seeks summary judgment in a debt action for goods sold and delivered to the defendant. The defendant has counterclaimed alleging that it was the exclusive agent for both plaintiffs and that the plaintiffs breached their contract with it without notice.

Issue:

- 1) Are there material facts in dispute:
- 2) Is there a claim for equitable set-off such that summary judgment should not be granted?

Result: Material facts are in dispute. Equitable set-off applies. Application dismissed.

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